

REMARKS

Claims 1-28 and 57-81 are pending in the application after entry of the foregoing Amendment. Claims 57-81 are added via the present Amendment.

Applicant provides the present amended claims to further clarify the invention, while maintaining and incorporating by reference the traversal arguments presented in the Appeal Brief filed May 17, 2006. Applicant respectfully submits that the applied art does not teach nor suggest the claimed features for the reasons set forth in the Appeal Brief, nor does the applied art teach or suggest the newly added claims.

Applicant adds claims 62-81 to obtain more varied protection for the invention. Claim 62 is deemed patentable over the art at least by virtue of its novel and unobvious combination of elements including the operation of downloading said at least one of said music track or video track that corresponds to the selection made by the user to an email address or computer network address. Claims 63-73 are deemed patentable over the art at least by virtue of their respective dependencies upon claim 62. Independent claim 74 also includes novel and unobvious features at least in regard to said menu which includes an option to enter a telephone number corresponding to another device to which said music track forwarded. This feature is neither taught nor suggested by the applied art. Claims 75-77 are deemed allowable at least by virtue of their respective dependencies upon claim 74.

Claim 78 is likewise deemed allowable over the art at least by virtue of its operation of generating a menu containing criteria options relating to said music track so that the user makes a selection, said menu including an option to enter a telephone number corresponding to another

device; and sending said music track to said another device. Claims 79-81 are deemed allowable over the art at least by virtue of their respective dependencies upon claims 78.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

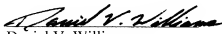
Respectfully submitted,

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